

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) **CRIMINAL NO. A-08-CR-476-SS-1**
)
DUANE HOSEA, JR.,)
)
Defendant.)

MOTION TO DISMISS

Pursuant to Rule 48(a), Federal Rules of Criminal Procedure, the United States Attorney for the Western District of Texas hereby dismisses the original Indictment filed in the above-numbered cause. Defendant Hosea pled guilty to Counts 1 and 2 of the Superseding Indictment on March 11, 2009.

Respectfully submitted,

JOHN E. MURPHY
Acting United States Attorney

By: /s/ ELIZABETH COTTINGHAM
ELIZABETH COTTINGHAM
Assistant U.S. Attorney
State Bar No. 04865500
816 Congress Avenue, Suite 1000
Austin, Texas 78701
Office (512) 916-5858
Fax (512) 916-5854

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Chris A. Blackerby
Germer Gertz Beaman & Brown
301 Congress Avenue
Suite 1700
Austin, TX 78701

/s/ ELIZABETH COTTINGHAM
ELIZABETH COTTINGHAM
Assistant U.S. Attorney

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) **CRIMINAL NO. A-08-CR-476-SS-1**
)
DUANE HOSEA, JR.,)
)
Defendant.)

ORDER

Came on to be considered the motion filed by the United States Attorney pursuant to Rule 48(a), Federal Rules of Criminal Procedure, requesting that the original Indictment filed in the above cause be dismissed, and the Court, having duly considered the motion, finds that the motion is meritorious. It is hereby

ORDERED that the Government's motion be GRANTED.

SIGNED on the _____ day of _____ 2009.

UNITED STATES DISTRICT JUDGE